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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,164	04/09/2001	Amando B. Isip JR.	063170.6284 (20000151)	8279
5073	7590	04/10/2006	EXAMINER	
BAKER BOTTS L.L.P. 2001 ROSS AVENUE SUITE 600 DALLAS, TX 75201-2980			TO, BAOQUOC N	
			ART UNIT	PAPER NUMBER
			2162	

DATE MAILED: 04/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/829,164	ISIP, AMANDO B.	
	Examiner	Art Unit	
	Baoquoc N. To	2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1, 8, 13, 20, 27, 31, 34 and 37 are amended in the amendment filed on 01/20/2006. Claims 1-37 are pending in this application.

Response to Arguments

2. Applicant's arguments filed 01/30/2006 have been fully considered but they are not persuasive.

Applicant argues "Friske does not make any sort of determination of whether a change affects the reorganization process, as recited in amended claim 1."

The examiner respectfully disagrees with the above argument. As disclosed by Friske "Log records 312, reflecting changes which occurred to the original data set after the target data set was unload until the present time, are then applied to the target data set in the shadow location 310' (col. 6, lines 33-36). This passage discloses the cause why the changes are created and recorded in the log because the changes are made to the to the record which are currently in the process of reorganization. It is necessary to log these changes and later to update them after the reorganization process to complete. Since the claim only recited "determines whether the change affects the reorganization process...creating a log file comprising log records, wherein the log records are associated with only those changes..." Therefore, these log record 312 created for same purpose as applicant claimed and keep the changes for further updating the log after the reorganization process. Unless, "...the determine whether the change affects the reorganization process" has any differences on how to determining whether the change affects the reorganization process; otherwise, in the broadest

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reasonable interpretation is because changes are effecting the reorganization process, then, all changes during the reorganization process are logged for the purpose of updating after the reorganization process (col. 6, lines 33-36). The examiner invited the applicant to make changes or amend the claim language to further clarify the claimed language over the cited art (Friske).

Applicant argues "Friske does not teach, suggest, or disclose at least, "determining whether the change affects the reorganization process...storing the log record in a first log file recording changes only if the change is determined to affect the reorganization process...and storing the log record in the second log file if the change is not determined to affect the reorganization process."

The examiner respectfully disagrees with the above argument because of the same reason as above and additionally the first log is the log 312 for storing all the change made at the during reorganization process. In the claimed language, since second log is only required to store other changes which does not affecting the changes in the reorganization process, then the second log is any other log that is used to log record which discloses by Kershaw (col. 15, lines 36-44).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-37 are rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention.

Claim 1 recites "the pre-ample states the method for reorganization data" in line 1; however, the actual reorganization step never perform.

Claims 2-7 depended on independent claims; therefore, they are rejected under the same reason as to claim 1.

Claim 8 recites "the pre-ample states the method for logging changes by a database management system" in line 1; however, none of the recited step recited perform by a database management system.

Claims 9-12 are depended on independent claims; therefore, they are rejected under the same reason as to claim 8.

Claim 13 recites "the pre-ample states an apparatus for reorganization data" in line 1; however, the actual reorganization step never perform.

Claims 14-19 are depended on independent claims; therefore, they are rejected under the same reason as to claim 13.

Claim 20 recites "the pre-ample states an apparatus for reorganization data" in line 1; however, the actual reorganization step never perform.

Claims 21-26 are depended on independent claims; therefore, they are rejected under the same reason as to claim 20.

Claim 27 recites "the pre-ample states a computer-readable medium encoded with processing instructions for implementing a method for reorganizing data" in line 1-2; however, none of the recited step recited perform by a database management system.

Claims 28-30 are depended on independent claims; therefore, they are rejected under the same reason as to claim 27.

Claim 31 recites "the pre-amble states an apparatus for reorganization data" in line 1; however, the actual reorganization step never perform.

Claims 32-33 are depended on independent claims; therefore, they are rejected under the same reason as to claim 31.

Claim 34 recites "the pre-amble states an apparatus for reorganization data" in line 1, however, the actual reorganization step never perform.

Claims 35-36 are depended on independent claims; therefore, they are rejected under the same reason as to claim 34.

Claim 37 recites "the pre-amble states a computer-readable medium encoded with processing instructions for implementing a method for organizing data" in line 1-2; however, the actual reorganization step never perform.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-7 and 13-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Friske et al. (US. Patent No. 6,070,170).

Regarding on claims 1, 13, 20, 27, 31 and 37, Friske teaches a method for reorganizing data (a method for reorganizing the database) (col. 4, line 66), comprising:

Reading each record of a source file associated with an object (the record object which is read before the unload and organized to the shadow location) (col. 6, lines 15-16);

Writing each record to a destination file (col. 6, lines 15-16);

Identifying changes to the object that are made during a reorganization process;

For each change, determining whether the change affects the reorganization process (all changes are affecting reorganization process are logged) (col. 6, lines 33-36);

creating a log file comprising log records, wherein the log records are associated with only those changes that are determined to affect the reorganization process (these log are created and log all changes during the reorganization process) (col. 6, lines 25-36).

Reading each log record in of the log file (col. 6, lines 33-36);

Processing each record of the log file to effect the associated change to the destination file (col. 6, lines 33-36); and

replacing the source file with the destination file (after updating the target data, the original set is then replaced with the target data set) (col. 6, lines 42-43).

Regarding on claims 2, 14 and 21, Friske teaches the source file is an index file (col. 5, lines 53-56).

Regarding on claims 3, 15 and 22, Friske teaches the source file is a data file (col. 5, lines 40-48).

Regarding on claims 4, 16 and 23, Friske teaches the step of creating a log file is performed in accordance with instruction of a DBMS log routine (DBMS) (col. 6, lines 2-5).

Regarding on claims 5, 17 and 24, Friske teaches the log file contains a subset of all records processed by the RDBMS log routine (col. 6, lines 33-36).

Regarding on claims 6, 18 and 25, Friske teaches the log file records are selected based on a program call establish by reorganization utility (col. 6, lines 25-7).

Regarding on claims 7, 19 and 25, Friske teaches the program call is removed prior termination of the reorganization utility (col. 6, lines 14-20).

Claims 28, 31, and 37 are rejected under the same ground as to claim 1, further more, Friske also discloses establishing a program call to process log records (col. 6, lines 20-25);

Regarding on claims 29, 32 and 35, Friske teaches the source file is an index file (col. 5, lines 53-56).

Regarding on claims 30, 33 and 36, Friske teaches the source file is a data file (col. 5, lines 40-48).

Friske teaches the limitations of claim 34, and further discloses a processor; a memory connected to said processor storing program to control the operation of said processor; the processor operate with the program in the memory to (col. 4, lines 7-26).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Friske et al. (US. Patent No. 6,070,170) in view of Kershaw et al. (US. Patent No. 5,565,316).

Regarding on claim 8, Friske teaches a method for logging changes by a database management system, comprising:

Identifying a change to be logged, wherein the change occurs during a reorganization process (all changes made during the reorganization are logged) (col. 6, lines 33-36);

Creating a log record based on the change (all changes are logged to the created log) (col. 6, lines 23-36);

Determining whether the changes affects the reorganizing process (col. 6, lines 33-37);

Storing the log record in the first log file recording selected changes only if the change is determined to affect the reorganization process (col. 6, lines 33-40); and

Friske does not explicitly teach storing the log record in a second log file if change is not determined to affect the reorganization process. Kershaw teaches storing the log record in a second log file if change is not determined to affect the

reorganization process (col. 15, lines 36-44). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify Friske's system to include storing the changes in the second log file as taught by Kershaw in order to provide the backup log system to recreating the database when the first log is failed.

Regarding on claim 9, Friske teaches the first log file resides in virtual storage (RAM) (col. 5, lines 11-12).

Regarding on claim 10, Friske teaches the first log file resides in dataspace (table space) (col. 5, lines 38-48).

Regarding on claim 11, Friske teaches the first log file resides in hyperspace (col. 1, lines 60-63).

Regarding on claim 12, Friske teaches the first log file resides in DASD (col. 4, lines 40-45).

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baoquoc N. To whose telephone number is at 571-272-4041 or via e-mail BaoquocN.To@uspto.gov. The examiner can normally be reached on Monday-Friday: 8:00 AM – 4:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached at 571-272-4107.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:


Commissioner of Patents and Trademarks
Washington, D.C. 20231.

The fax numbers for the organization where this application or proceeding is assigned are as follow:

(571) -273-8300 [Official Communication]

BQ To

March 31st, 2006


JEAN M. CORRIELLUS
PRIMARY EXAMINER